

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM WERSINGER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-262-GMS
)	
BANK OF AMERICA CORPORATION,)	
)	
Defendant.)	

JOINT STATUS REPORT

In accordance with the Court's Notice of Scheduling Conference, the parties hereby submit this joint status report addressing the conference's agenda items.

1. **Jurisdiction and Service.** The parties agree that the Court has subject matter and personal jurisdiction over all parties and no parties remain to be served.

2. **Substance of the Action.** The Plaintiff seeks unpaid wages for hours worked and overtime compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201 *et seq.* Defendant denies that it violated the FLSA, and asserts various affirmative defenses.

3. **Identification of Issues.**

- Was the Plaintiff improperly classified as exempt under the FLSA?
- Was the Plaintiff not compensated for work performed during meal periods?
- Was the Plaintiff not paid for all hours worked in training and performing customer service work?

4. **Narrowing of Issues.** None at this time.

5. **Relief.** Plaintiff seeks unpaid overtime, liquidated damages (interest if liquidated damages are not awarded) and attorneys' fees and costs for commencing this action.

6. **Amendment of the Pleadings.** The parties will not be amending the pleadings.

7. **Joinder of the Parties.** The parties will not be joining other parties.
8. **Discovery.** The parties have exchanged initial disclosures and written discovery.

The joint discovery plan is set forth in the proposed scheduling order (D.I. 33).

9. **Estimated Trial Length.** The parties estimate the trial length will be 2 – 3 days.
10. **Jury Trial.** A jury trial has been demanded by Plaintiff.
11. **Settlement.** Parties agree that this matter should be submitted to mediation

pursuant to the Court's scheduling order.

12. **Other Matters.** None.
13. Counsel for the parties have conferred about each of the above matters.

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